

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous (Petition) No. 4519/2018

Dhanraj Mittal S/o Late Shri Chaturbhuj Mittal B/c Mahajan &
Ors.

-----Petitioners

Versus

State Of Rajasthan Through PP & Anr.

-----Respondents

For Petitioner(s) : Mr. Anil Kumar Upman

For Respondent(s) : Ms. Meenakshi Pareek, PP

HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Order

03/08/2018

Counsel for the petitioner has contended that firm of the brother of the petitioner named M/s Kratika Vegetable Oils Pvt. Ltd. had fallen into bad times and became liable to make payment to the various persons.

Counsel for the petitioner has contended that petitioner No.1 being an elder brother on behalf of his brother executed memorandum of understanding with complainant. The memorandum of understanding has been annexed with the present petition as Annx.1.

Counsel for the petitioner has contended that in terms of memorandum of understanding petitioner had issued a cheque amounting to Rs.14,81,200/- and it was particularly specified in the memorandum of understanding that if the payment of the cheque is made by M/s Kratika Vegetable Oils Pvt. Ltd., the said cheque will be canceled by the complainant.

Counsel for the petitioner has further drawn attention of this court to Annx.2 to say that payment of the cheque was made by M/s Kratika Vegetable Oils Pvt. Ltd.

Counsel for the petitioner has contended that FIR lodged by the complainant is misuse and abuse of process of law. It is submitted that the version given by the petitioner was accepted by the Investigating Agency and final report in negative form was submitted. In the said final report in negative form(FR) court of the Magistrate has taken cognizance of the offences vide Annx.4. Counsel for the petitioner has further submitted that revisional court could not take into consideration documents relied by the petitioner, hence, the present petition has been filed under Section 482 Cr.P.C.

Issue notice to the respondents for 23.08.2018.

Meanwhile, if on behalf of petitioner, a counsel cause appearance in the trial court on next date fixed, personal appearance of the petitioner before the trial court shall remain exempted, till next date fixed before this court.

(KANWALJIT SINGH AHLUWALIA),J

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सत्यमेव जयते